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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,957	01/20/2004	Sun Yu	ZDC-14003/03	1484

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EXAMINER

ARK, DARREN W

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,957

Applicant(s)

YU, SUN

Examiner

Darren W. Ark

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31 and 34-37 is/are allowed.
- 6) ☒ Claim(s) 1,3-30,32 and 33 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/29/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 1, line 4, the phrase "now U.S. Patent No. 6,684,557" should be inserted after "September 9, 2002".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 18-30, 32, 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 18, the phrase "a hollow body...terminating in an eyelet decorated with phosphor" renders the claim vague and indefinite since it is unclear whether the body or the eyelet is decorated with a phosphor.

In regard to claim 32, the phrase "wherein activation...is in a time pulsed manner" renders the claim vague and indefinite and should be rewritten to recite back to the step of "activating said ultraviolet light emitting diode" in Claim 31. It should be written as "wherein activating said ultraviolet light emitting diode..." Also the term "a" should be inserted before "phosphor".

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In regard to claim 19, the phrase "a phosphor" renders the claim vague and indefinite since "phosphor" was previously set forth in claim 18.

In regard to claim 25, the phrase "of a type" renders the claim vague and indefinite and should be removed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 4, 8, 9, 12-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Simms 4,697,374.

Simms discloses a light emitting fishing lure (10) comprising a hollow body (see Figs. 1-3) with an exterior, a distal (at 31) and proximal (at 30) end, the proximal end terminating in an eyelet (30); a hook coupled to the body (10 is coupled to a line which is coupled to a plug which is a fishing lure with hooks; see col. 7, lines 60-end & col. 8, lines 1-40); a battery source (13); a multiple emission color light source (11 emits various wavelengths of green color; see Fig. 5 & col. 6, lines 64-end & col. 7, lines 1-5) located within the body (see Fig. 3); a printed circuit board controller (12 with 36); and a light pipe (portion of 10 which is clear) in optical communication with the source.

6. Claims 1, 3, 6, 8, 9, 12, 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese Pat. No. 2002-199828 to Ichikawa et al.

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Ichikawa et al. discloses a light emitting fishing lure (1) comprising a hollow body (see Fig. 1) with an exterior, a distal (at 24) and proximal (at 25) end, the proximal end terminating in an eyelet (25); a hook coupled to the body (23); a battery source (3, 31); a multiple emission color light source (2r, g, b in Fig. 5) located within the body (see Fig. 4); a printed circuit board controller (generally 4, 33) for the light source that automatically varies the color emission from the light source (varies among the 3 LEDs); and a light pipe in optical communication between the light source and exterior of the body (front portion of body through which light is transmitted to exterior; see closeup in Fig. 1 which shows a light altering interior surface 13).

7. Claims 1, 3, 6, 8, 9, 12, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Tingey 5,392,555.

Tingey discloses a light emitting fishing lure (10) comprising a hollow body (12) with an exterior, a distal (at 15) and proximal (near 14) end, the proximal end terminating in an eyelet (15); a hook coupled to the body (14); a battery source (20); a multiple emission color light source (16 can be changed amongst colors including red, green, and yellow) located within the body (see Fig. 3); a printed circuit board controller (19) for the light source that automatically varies the color emission from the light source (flash rate can be changed via 24); and a light pipe in optical communication between the light source and exterior of the body (transparent portions 13).

8. Claims 1, 3, 6, 8, 9, 12, 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Garr 4,888,905.

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Garr discloses a body (1) with the proximal end terminating in an eyelet (either channel for line 106 or 207); a hook (where fisherman prefers); a battery source (121); a multiple emission color light source (111 is xenon flashlamp or an array of LEDs or a combination of flashlamps and LEDs; xenon flashlamps emit light in the UV wavelengths); a printed circuit board (112); and a light pipe (body made of a single fiber optic).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simms 4,697,374.

Simms discloses the claimed invention except for the light source being a plurality of light emitting diodes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a plurality of light emitting diodes, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

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11. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simms 4,697,374 in view of Schultz et al. 6,546,666 or Kiefer 5,063,700 or Boharski 4,819,361.

Simms does not disclose the light pipe embedded in the body or the light pipe being a trailing fiber optic. Schultz et al., Kiefer, and Boharski each disclose a light pipe embedded in the body and the light pipe being a trailing fiber optic (20 OR 6 OR 64). It would have been obvious to employ the light pipe or trailing fiber optic of Schultz et al., or Kiefer or Boharski in the lure of Simms in order to provide means which will distribute the light from a point to increase the attractiveness of the lure.

12. Claims 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simms 4,697,374 in view of Gordon 5,983,553.

Simms does not disclose the switch being a kinetic switch. Gordon discloses a kinetic switch (see Fig. 6). It would have been obvious to a person of ordinary skill in the art to employ the kinetic switch of Gordon in the lure of Simms in order to only activate the light in the lure upon movement of the lure so as to provide an alternative means of conserving battery power.

13. Claims 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simms 4,697,374 in view of Yokogawa et al. 6,029,388.

Simms does not disclose a transformerless voltage step-up circuit. Yokogawa et al. discloses the use of a transformerless voltage step-up circuit (see col. 7, lines 60-end). It would have been obvious to a person of ordinary skill in the art to employ the transformerless voltage step-up circuit of Yokogawa et al. in the lure of Simms in order

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to apply more voltage and current to the LED of Simms in order to make it burn more brightly.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Pat. No. 2002-199828 to Ichikawa et al. in view of Harkin 6,671,995 or Johnson et al. 5,974,721.

Ichikawa et al. does not disclose the light source comprising a multiple color single LED. Harkin and Johnson et al. disclose a light source comprising a multiple color single LED (white LED or 20). It would have been obvious to a person of ordinary skill in the art to employ the multiple color single LED of Harkin or Johnson et al. in the lure of Ichikawa et al. in order to reduce the number of separate parts to reduce manufacturing complexity.

15. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Pat. No. 2002-199828 to Ichikawa et al. in view of Schultz et al. 6,546,666 or Kiefer 5,063,700 or Boharski 4,819,361.

Ichikawa et al. does not disclose the light pipe embedded in the body or the light pipe being a trailing fiber optic. Schultz et al., Kiefer, and Boharski each disclose a light pipe embedded in the body and the light pipe being a trailing fiber optic (20 OR 6 OR 64). It would have been obvious to employ the light pipe or trailing fiber optic of Schultz et al., or Kiefer or Boharski in the lure of Ichikawa et al. in order to provide means which will distribute the light from a point to increase the attractiveness of the lure.

16. Claims 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Pat. No. 2002-199828 to Ichikawa et al. in view of Gordon 5,983,553.

Ichikawa et al. does not disclose the switch being a kinetic switch. Gordon discloses a kinetic switch (see Fig. 6). It would have been obvious to a person of ordinary skill in the art to employ the kinetic switch of Gordon in the lure of Ichikawa et al. in order to only activate the light in the lure upon movement of the lure so as to provide an alternative means of conserving battery power.

17. Claims 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Pat. No. 2002-199828 to Ichikawa et al. in view of Yokogawa et al. 6,029,388.

Ichikawa et al. does not disclose a transformerless voltage step-up circuit. Yokogawa et al. discloses the use of a transformerless voltage step-up circuit (see col. 7, lines 60-end). It would have been obvious to a person of ordinary skill in the art to employ the transformerless voltage step-up circuit of Yokogawa et al. in the lure of Ichikawa et al. in order to apply more voltage and current to the LED of Ichikawa et al. in order to make it burn more brightly.

18. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tingey 5,392,555 in view of Harkin 6,671,995 or Johnson et al. 5,974,721.

Tingey does not disclose the light source comprising a multiple color single LED. Harkin and Johnson et al. disclose a light source comprising a multiple color single LED (white LED or 20). It would have been obvious to a person of ordinary skill in the art to employ the multiple color single LED of Harkin or Johnson et al. in the lure of Tingey in order to reduce the number of separate parts to reduce manufacturing complexity.

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19. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tingey 5,392,555 in view of Schultz et al. 6,546,666 or Kiefer 5,063,700 or Boharski 4,819,361.

Tingey does not disclose the light pipe embedded in the body or the light pipe being a trailing fiber optic. Schultz et al., Kiefer, and Boharski each disclose a light pipe embedded in the body and the light pipe being a trailing fiber optic (20 OR 6 OR 64). It would have been obvious to employ the light pipe or trailing fiber optic of Schultz et al., or Kiefer or Boharski in the lure of Tingey in order to provide means which will distribute the light from a point to increase the attractiveness of the lure.

20. Claims 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tingey 5,392,555 in view of Gordon 5,983,553.

Tingey does not disclose the switch being a kinetic switch. Gordon discloses a kinetic switch (see Fig. 6). It would have been obvious to a person of ordinary skill in the art to employ the kinetic switch of Gordon in the lure of Tingey in order to only activate the light in the lure upon movement of the lure so as to provide an alternative means of conserving battery power.

21. Claims 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tingey 5,392,555 in view of Yokogawa et al. 6,029,388.

Tingey does not disclose a transformerless voltage step-up circuit. Yokogawa et al. discloses the use of a transformerless voltage step-up circuit (see col. 7, lines 60-end). It would have been obvious to a person of ordinary skill in the art to employ the transformerless voltage step-up circuit of Yokogawa et al. in the lure of Tingey in order

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to apply more voltage and current to the LED of Tingey in order to make it burn more brightly.

22. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garr 4,888,905 in view of Harkin 6,671,995 or Johnson et al. 5,974,721.

Garr does not disclose the light source comprising a multiple color single LED. Harkin and Johnson et al. disclose a light source comprising a multiple color single LED (white LED or 20). It would have been obvious to a person of ordinary skill in the art to employ the multiple color single LED of Harkin or Johnson et al. in the lure of Garr in order to reduce the number of separate parts to reduce manufacturing complexity.

23. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garr 4,888,905 in view of Schultz et al. 6,546,666 or Kiefer 5,063,700 or Boharski 4,819,361.

Garr does not disclose the light pipe embedded in the body or the light pipe being a trailing fiber optic. Schultz et al., Kiefer, and Boharski each disclose a light pipe embedded in the body and the light pipe being a trailing fiber optic (20 OR 6 OR 64). It would have been obvious to employ the light pipe or trailing fiber optic of Schultz et al., or Kiefer or Boharski in the lure of Garr in order to provide means which will distribute the light from a point to increase the attractiveness of the lure.

24. Claims 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garr 4,888,905 in view of Gordon 5,983,553.

Garr does not disclose the switch being a kinetic switch. Gordon discloses a kinetic switch (see Fig. 6). It would have been obvious to a person of ordinary skill in

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the art to employ the kinetic switch of Gordon in the lure of Garr in order to only activate the light in the lure upon movement of the lure so as to provide an alternative means of conserving battery power.

25. Claims 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garr 4,888,905 in view of Yokogawa et al. 6,029,388.

Garr does not disclose a transformerless voltage step-up circuit. Yokogawa et al. discloses the use of a transformerless voltage step-up circuit (see col. 7, lines 60-end). It would have been obvious to a person of ordinary skill in the art to employ the transformerless voltage step-up circuit of Yokogawa et al. in the lure of Garr in order to apply more voltage and current to the LED of Garr in order to make it burn more brightly.

Allowable Subject Matter

26. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

27. Claims 31 and 34-37 are allowed.

28. Claims 32 and 33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

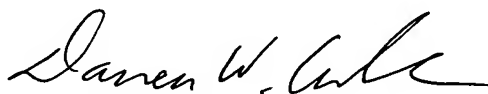
29. Claims 18-30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark
Primary Examiner
Art Unit 3643

DWA